

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERTO CASTINEIRAS,

Plaintiff,

9:17-cv-1084 (BKS/ATB)

v.

A. HELMS,

Defendant.

Appearances:

Plaintiff pro se:

Roberto Castineiras
14-A-5255
Mid-State Correctional Facility
P.O. Box 2500
Marcy, NY 13403

For Defendant:

Aimee Cowan, Esq.
New York State Attorney General's Office
300 South State St.
Syracuse, NY 13202

Hon. Brenda K. Sannes, United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff Roberto Castineiras commenced this pro se action under 42 U.S.C. § 1983 asserting claims arising out of his incarceration at Upstate Correctional Facility. (Dkt. No. 1). On October 3, 2018, Defendant filed a motion for summary judgment. (Dkt. No. 24). Plaintiff filed a response to the motion on October 23, 2018, (Dkt. No. 26), and the Defendant has filed a reply. (Dkt. No. 27). This matter was assigned to United States Magistrate Judge Andrew T. Baxter who, on June 6, 2019, issued a Report and Recommendation recommending that Defendant's motion for summary judgment be granted and that the complaint be dismissed with prejudice as

to Defendant Helms. (Dkt. No. 30). Magistrate Judge Baxter advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 30, at 16–17).

No objections have been filed. As no objections to the Report and Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report and Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report and Recommendation for clear error and found none, the Court adopts the Report and Recommendation in its entirety.


For these reasons, it is

ORDERED that the Report and Recommendation (Dkt. No. 30) is **ADOPTED** in its entirety; and it is further

ORDERED that Defendant’s motion for summary judgment (Dkt. No. 24) is **GRANTED** and the complaint is **DISMISSED IN ITS ENTIRETY WITH PREJUDICE** as to Defendant Helms; and it is further

ORDERED that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.


Brenda K. Sannes
U.S. District Judge

Dated: July 3, 2019
Syracuse, New York